**THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY**

**W.P.No. 11954 OF 2005**

**31st January, 2006**

Between:

P.Vijaya …Petitioner

A N D

1. The District Panchayat Officer, Warangal

and another

…Respondents

**THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY**

**W.P.No. 11954 OF 2005**

**O R D E R :**

1. This writ petition has been filed by P.Vijaya assailing the notice issued by the Panchayath Secretary, Gram Panchayath,Narsampet-2nd respondent.

2. The petitioner is stated to have installed STD Booth in Survey No. 769/1, after obtaining license from the office of the District Panchayat Officer, Warangal-1st respondent. A notice has been issued to the petitioner by the Panchayath Secretary, Gram Panchayath-2nd respondent directing the petitioner to vacate the premises bearing Survey No. 769/1.

3. Heard learned counsel for the petitioner and learned Government Pleader appearing for respondents.

4. Various submissions have been made by the respective counsel appearing for the parties. Their contentions are not required to be dealt with in detail, in view of the order proposed to be passed.

5. The enquiry report of District Panchayath Officer, Warangal-1st respondent shows that the petitioner has put a tea stall and STD Booth abutting Survey No. 796/1. Copy of the Enquiry Report has been placed on record. The relevant portion of the order read as follows:

> "*The matter was referred to the Divisional Panchayat Officer, Mahabubabad vide reference 2nd cited and vide reference 3rd cited, the Divisinal Panchayat Officer, Mahabubabad has submitted a report for directing the gram Panchayat Narsampet to remove the 'Gumchi" Tea Stall and the S.T.D. Booth immediately situated in Survey No. 796/1, as the license deed agreement produced by the Smt. P. Vijaya is not genuine since there are no acceptance signatures either by the then Executive Officer nor by the Sarpanch. Gram Panchayat,Narsampet. The name of Smt. P.Vijaya is nsot at all mentioned in the land rent register of the Gram Panchayat Narsampet nor she has paid any rent so far to the Gram panchayat, Narsampet and illegally she has given on lease to some other person on rent of Rs.1,000/- per month.*
>
> *Hence, based on the report submitted by the Divisinal Panchayat Officer, Mahabubabad, the Panchayat Secretary and the Sarpanch, Gram Panchayath Narsampet are hereby directed to remove the illegal placed "Gumchi" Tea Stall and S.T.D. Booth in Survey No. 796/1 immediately and submit a compliance report to this office.".*

6. In pursuance of the Enquiry Report the Panchayath Secretary, Grampanchayat,

Narsampet-1st respndent issued notice impugned in the writ petition. Undisputedly the S.No.769/1 mentioned in the notice under challenge in the writ petition is incorrect.

7. In that view of the matter, the notice impugned is set aside giving liberty to the Panchayat Secretary, Grampanchayath, Narsampet-2nd respondent to issue fresh notice mentioning the correct survey number.

8. Accordingly, this writ petition is disposed of. No order as to costs.

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Justice B.Seshasayana Reddy

31st January, 2006.

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**THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY**

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